

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND SPECIAL EXCEPTION - NW/Corner \*  
Old Eastern Avenue and \* DEPUTY ZONING COMMISSIONER  
Rickenbacker Road \*  
(1700 Old Eastern Avenue) \* OF BALTIMORE COUNTY  
15th Election District \*  
5th Councilmanic District \* Case No. 95-226-SPHX  
  
Hemchand Harry \*  
Petitioner \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception for that property known as 1700 Old Eastern Avenue, located in the vicinity of Stemmers Run off of Back River Neck Road in Essex. The Petitions were filed by the owner of the property, Hemchand Harry, and the Contract Purchaser/Lessee, James and Charlene Evering, through their attorney, Robert C. Turner, Esquire. The Petitioners seek approval of an amendment to the previously approved site plan in Case No. 84-226-SPH and removal of Restriction No. 3 thereof, and a special exception to permit an arcade in a B.M. zone. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Hemchand Harry, property owner, James and Charlene Evering, Contract Purchaser/Lessees, Patrick O'Keefe, Sr., Zoning Consultant, Lawrence Jones, and Robert C. Turner, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Michael A. Dodge, Rev. Joseph T. DePitres and Kathleen Sipes, Principal with Our Lady of Mt. Carmel Catholic Church and School, adjoining property owner. In addition, Jeffrey Long and Jack Dillon, representatives of the Office of Planning and Zoning, and Captain James Johnson, Operations Commander for the Essex Precinct of the Balti-

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Date

By

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more County Police Department, appeared in opposition to the relief requested.

Testimony and evidence offered demonstrated that the subject property consists of 0.63 acres, more or less, zoned B.M. and is improved with three apartment buildings, a combination store/restaurant, known for many years as Gussies, and related parking areas. Adjacent to Gussies is a vacant storefront building in which the Petitioners seek to operate an arcade. Mr. James Evering, the intended operator of the arcade, offered testimony in support thereof. Mr. Evering operates Gussies' restaurant and wishes to expand his present operation into the vacant storefront area. Mr. Evering wishes to install various video games and machines in this area for the purpose of operating an arcade. He testified that the arcade would not be open during school hours, but would operate between the hours of 4:00 PM and 10:00 PM, daily.

It is to be noted that this property was the subject of prior Case No. 84-226-SPH in which the Petitioner was granted approval on March 22, 1984 for a nonconforming use of rotating retail uses conforming to its then B.L. zoning, including three apartment buildings to the rear of the existing commercial establishment, all of which existed prior to the adoption of the Baltimore County Zoning Regulations (B.C.Z.R.). The relief requested was granted, subject to certain terms and conditions, one of which restricted the use of the property as a pool hall or arcade.

Testifying in opposition to the Petitioners' request was Captain James Johnson, Operations Commander for the Essex Precinct of the Baltimore County Police Department. Captain Johnson testified that his office currently receives approximately 4,000 calls per year from the apartment complex located immediately adjacent to the subject property. That apart-

ment complex is known as the Village of Tall Trees wherein there currently exist tremendous problems with drug dealers and prostitutes. Captain Johnson testified that while his Department is making progress in cleaning up this area, he believes an arcade on the subject site would adversely impact the improvements made to date. Therefore, they are very much opposed to the granting of this special exception.

The sentiment of Captain Johnson's testimony was corroborated by other individuals in attendance from both the Office of Planning as well as Our Lady of Mt. Carmel Catholic Church and School, which is the adjoining property owner north of this site. Our Lady of Mt. Carmel is a parochial school for Grades K through 12.

Based upon the testimony and evidence offered as well as my personal knowledge of this property, having been a student at the school and continuing to be familiar with the subject site, I have come to the conclusion that this property is not an appropriate site for an arcade. In my opinion, an arcade at this location would be of no benefit to the surrounding community and would be detrimental in all respects.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a

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special exception use, irrespective of its location within the zone.  
Schultz v. Pritts, 432 A.2d 1319 (1981).

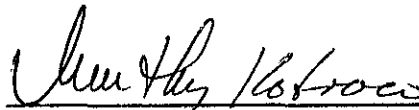
The proposed use will be detrimental to the health, safety, or general welfare of the locality, and will tend to create congestion in roads, streets, or alleys therein. It will be inconsistent with the purposes of the property's zoning classification, and inconsistent with the spirit and intent of the B.C.Z.R.

Inasmuch as the special exception has been denied, the special hearing to amend the previously approved site plan in Case No. shall also be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the special hearing and special exception should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7<sup>th</sup> day of March, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 84-226-SPH and to remove Restriction No. 3 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit an arcade in a B.M. zone, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

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Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 7, 1995

Robert C. Turner, Esquire  
34 Market Place, Suite 801  
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION  
NW/Corner Old Eastern Avenue and Rickenbacker Road  
(1700 Old Eastern Avenue)  
15th Election District - 5th Councilmanic District  
Hemchand Harry - Petitioner  
Case No. 95-226-SPHX

Dear Mr. Turner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Rev. Joseph T. DePitres and Kathleen Sipes  
Our Lady of Mt. Carmel Catholic Church and School  
1704 Old Eastern Avenue, Baltimore, Md. 21221

Mr. Michael A. Dodge, 305 Moonlight Court, Baltimore, Md. 21221

Captain James W. Johnson, Operations Commander, Essex Precinct  
Baltimore County Police Department

People's Counsel; File





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #1700 OLD EASTERN AVENUE

which is presently zoned B.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

AN AMENDMENT TO PRIOR ZONING CASE # 04226 SPH  
IN THE NATURE OF REMOVING RESTRICTION # 3  
OF SAID ORDER THAT PROHIBITED AN ARCADE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

CHARLENE W. EVERING

(Type or Print Name)

X Charlene W. Evering  
Signature

#1700 OLD EASTERN AVE.

Address

BALTO. , MD. 21221  
City State Zipcode

Legal Owner(s):

HENCHAND HARRY

(Type or Print Name)

X Henchand Harry  
Signature

(Type or Print Name)

Signature

Attorney for Petitioner

ROBERT C TURNER

(Type or Print Name)

X Robert C Turner  
Signature

34 MARKET PLACE ST #801 685-2100

Address

BALTIMORE MD 21202  
City State Zipcode

1700A OLD EASTERN AVE #10 574-5514  
Address Phone No.

BALTO. MD 21221  
City State Zipcode

Name, Address and phone number of representative to be contacted.

PATRICK M. O'KEEFE, SR.

Name

COCKEYSVILLE, MD  
523 PENNY LA. 21030 666-5366  
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: Jim DATE 11-21-98

221

ORDER RECEIVED FOR FILING

Date

By





# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at #1700 OLD EASTERN AVENUE

which is presently zoned B.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

AN ARCADE IN A B.M. ZONE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

CHARLENE W. EVERING

(Type or Print Name)

[Signature]

Signature

# 1700 OLD EASTERN AVENUE

Address

BALTO., MD. 21221

City

State

Zipcode

Attorney for Petitioner.

ROBERT C TURNER

(Type or Print Name)

[Signature]

Signature

34 MARKET PLACE STE 801 685-2100

Address

Phone No.

BALTIMORE MD 21202

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

HENCHAND HARRY

(Type or Print Name)

[Signature]

Signature

(Type or Print Name)

Signature

1700A OLD EASTERN AVE 574-5514

Address

Phone No.

BALTO. MD 21221

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

PATRICK M. O'KEEFE, SR.

Name

COCKEYSVILLE, MD, 523 PENNY LA. 21030 666-5366

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: [Signature] DATE 12-21-94

# 221

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Date

By

MICROFILMED



FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

95-226-SPHX

95-226-SPHX

No. 1700 <sup>Old</sup> Eastern Avenue  
15th District Baltimore County, Maryland

Beginning for the same on the west side of <sup>Old</sup> Eastern Avenue at the distance of 15.67 feet measured northerly along the west side of <sup>Old</sup> Eastern Avenue from the north side of Rickenbacker Road, thence running and binding on the west side of Eastern Avenue North 23 degrees 16 minutes 34 seconds East 100 feet, thence leaving Eastern Avenue for six lines of division as follows:— North 66 degrees 43 minutes 26 seconds West 348.10 feet, South 22 degrees 44 minutes 21 seconds West 99.70 feet, South 89 degrees 23 minutes 50 seconds East 36 feet, South 80 degrees 01 minute East 123.60 feet, South 60 degrees 41 minutes East 16.25 feet, South 54 degrees 23 minutes East 121.45 feet to the place of beginning.

Containing 0.63 acres of land more or less.

MICROFILMED





**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-726-SPHV

District: 15th

Date of Posting: 1/14/95

Posted for: Special Hearing

Petitioner: Hernandez Harry + Charlotte W. Evering

Location of property: 1700 Old Eastern Ave, NW/cor Rickenbacker Rd

Location of Signs: Facing roadway on property being zoned

Remarks: (No Pole Used)

Posted by: [Signature]  
Signature

Date of return: 1/20/95

Number of Signs: 1



MICROFILMED

# NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein, in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:  
95-226-SPH (Item 221)  
1700 Old Eastern Avenue  
NWC Old Eastern Avenue  
and Rickenbacker Road  
15th Election District  
5th Councilmanic  
Local Owner(s)  
Mr. & Mrs. Harry  
Schmidt  
C/O 1700 Old Eastern Avenue  
Towson, Maryland

HEARING THURSDAY,  
FEBRUARY 2, 1995 at  
9:00 a.m. in Rm. 118, Old  
Courthouse.

Special Hearing for an amendment to prior zoning case #84-226-SPH in the nature of removing restriction #3 of said order that prohibited an arcade. Special Exception: for an arcade.

LAWRENCE E. SCHMIDT,  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Hand-icapped accessible; for special accommodations Please Call 887-3363.

(2) For information concerning the file and/or Hearing, Please Call 887-3361.

1/115 January 12.

## CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Jan. 13, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan. 12, 1995.

THE JEFFERSONIAN,

*A. H. Henickson*

LEGAL AD. - TOWSON

~~Publication~~

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Baltimore County  
Zoning Administration  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

# 221

receipt

95-226-SPHX

Account: R-001-6150

Number

JCM

Date

12-21-94

CHARLENE EVERING

1700 OLD CASPER AV.

SPEC. EX (050)

370.00

SPEC. MRL (040)

250.00

POSTING (050) 35x2

70.00

620.00

MICROFILMED

03A03#0148MIC IRC

\$620.00

BA 0003#53PM12-21-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Applicant  
Dropping - OFF

2 more plans.

2011. 12. 13

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 221

Petitioner: CHARLENE EVERING

Location: #1700 OLD EASTERN AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: CHARLENE EVERING c/o GUSSIES' CARRY OUT

ADDRESS: #1700 OLD EASTERN AVE.

BALTO. / MD. 21221

PHONE NUMBER: 335-7760

AJ:ggg

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY  
January 12, 1995 Issue - Jeffersonian

Please forward billing to:

Charlene Evering  
c/o Gussie's Carry Out  
1700 Old Eastern Avenue  
Baltimore, Maryland 21221  
335-7760

---

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-226-SPH (Item 221)  
1700 Old Eastern Avenue  
NWC Old Eastern Avenue and Rickenbacker Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Hemchand Harry  
Contract Purchaser(s): Charlene W. Evering  
HEARING: THURSDAY, FEBRUARY 2, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing for an amendment to prior zoning case #84-226-SPH in the nature of removing restriction #3 of said order that prohibited an arcade.  
Special Exception for an arcade.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

RECEIVED  
JAN 13 1995  
BALTIMORE COUNTY

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

JANUARY 6, 1995

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-226-SPH (Item 221)

1700 Old Eastern Avenue

NWC Old Eastern Avenue and Rickenbacker Road

15th Election District - 5th Councilmanic

Legal Owner(s): Hemchand Harry

Contract Purchaser(s): Charlene W. Evering

HEARING: THURSDAY, FEBRUARY 2, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing for an amendment to prior zoning case #84-226-SPH in the nature of removing restriction #3 of said order that prohibited an arcade.  
Special Exception for an arcade.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Hemchand Harry  
~~Charlene W. Evering~~  
Patrick M. OKeefe, Sr.  
~~Robert C. Turner, Esq.~~

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 26, 1995

Robert C. Turner, Esquire  
34 Market Place, Suite 801  
Baltimore, Maryland 21202

RE: Item No.: 221  
Case No.: 95-226-SPH  
Petitioner: Hemchand Harry

Dear Mr. Turner:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

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Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/18/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: HEMCHAND HARRY

LOCATION: NWC OLD EASTERN AVE. AND RICKENBACKER RD. (1700 OLD EASTERN AVE.).

Item No.: 221

Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED

JAN 19 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: January 17, 1995

SUBJECT: 1700 Old Eastern Avenue

INFORMATION:

Item Number: 221

Petitioner: Hemchand Harry

Property Size: \_\_\_\_\_

Zoning: B.M.

Requested Action: Special Hearing and Special Exception

Hearing Date: 2/ 2 /95

SUMMARY OF RECOMMENDATIONS:

The applicant has filed a Special Exception to permit an arcade, and a Special Hearing to remove the restriction prohibiting such a use as forth in Case No. 84-226.

This property is located immediately adjacent to an area that recently has been studied by this office as part of the Essex / Middle River Assessment. Thus far, the study has brought into focus issues which include concerns regarding the existence of incompatible commercial uses in the Essex area, and the need to bring desirable commercial uses to the Essex area. It is envisaged that such uses would cater to a larger segment of the population due to their regional appeal.

Additionally, the assessment highlights the problems associated with incompatible and unattractive, older commercial development along the Eastern / Old Eastern Avenue corridors.

Reviewed in this context, the proposed amendment and Special Exception would not be in keeping with general recommendations of the first phase of the Essex / Middle River Assessment.

Furthermore, it is the opinion of this office that the introduction of an arcade will only exacerbate a number of community problems as identified by the assessment.

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Therefore, staff recommends that the applicant's request be denied because, if granted, the proposed use would be detrimental to the health, safety and general welfare of the local community, and could tend to further overcrowd the property. In addition, we recommend that prior to any final consideration the Zoning Commissioner seek or review comments from the Police Department and the Office of Substance Abuse.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

**MICROFILMED**

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration  
and Development Management

Date: January 9, 1995

FROM: *RWB* Robert W. Bowling, Chief  
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting  
for January 9, 1995  
Item Nos. 218, 219, 220, & 221

The Developers Engineering Section has reviewed the subject zoning item. There are no comments for subject Items.

RWB:jrb

cc: File

RWB12

MICROFILMED



**Maryland Department of Transportation**  
**State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

1-3-95

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: +221 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 1/18/95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 1/3/95

The Department of Environmental Protection & Resource Management has no  
comments for the following Zoning Advisory Committee Items:

Item #'s: 217  
218  
219  
221 ✓

LS:sp

LETTY2/DEPRM/TXTSBP

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
1700 Old Eastern Avenue, NWC Old Eastern	*	ZONING COMMISSIONER
Avenue and Rickenbacker Road, 15th		
Election Dist., 5th Councilmanic	*	OF BALTIMORE COUNTY
Hemchand Harry	*	CASE NO. 95-226-SPHX
Petitioner		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert C. Turner, Esquire, 34 Market Place, Suite 801, Baltimore, MD 21202, attorney for Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

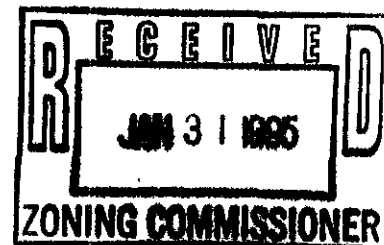
*Case  
95-226-SPH  
2/2/95*

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Michael M. Gimbel, Director  
Office of Substance Abuse *ME*

DATE: January 27, 1995

SUBJ: 1700 Old Eastern Avenue



The Office of Substance Abuse has reviewed the application submitted by Hemchand Harry for a special exemption to permit the opening of an arcade at 1700 Old Eastern Avenue.

It is the opinion of the Office of Substance Abuse that we agree with the concern of the Office of Planning and Zoning in regards to the potential impact to the community. We feel that the applicants request be denied because of the potential impact on the health, safety, and general welfare of the entire local community.

In addition, the Office of Substance Abuse feels that this arcade could increase the potential for substance abuse in the community.

If we may be of any further assistance, please feel free to call me at 887-3828.

MMG:nk

*RECEIVED*



**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

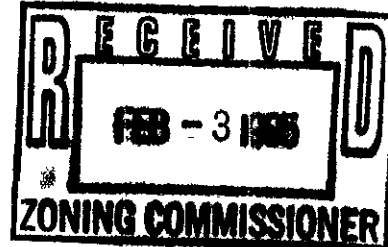
2/2/95 498-95-  
To be sure that  
z/c is made aware  
of this comment

**TO** Mr. Arnold Jablon, Director  
Zoning Administration &  
Development Management

**DATE** January 26, 1995

**FROM** Police Department

**SUBJECT** Arcade Facility



It has been brought to my attention that an application has been filed for a special exception to permit an arcade facility to operate on the property of Mr. Hemchand Harry at 1700 Old Eastern Avenue.

The Baltimore County Police Department is opposed to allowing this exception for the following:

- . The affordable housing complex adjacent to the proposed arcade has been the sight of extensive crime and community problems over the past several years. Various county agencies, public organizations and individuals have worked diligently to address the problems in the community.
  - \* Approximately 4,000 calls are received per year in the complex.
  - \* Approximately 200 arrests for narcotic violations alone were made in the complex adjacent to the proposed arcade site.
  - \* 150 calls were received for 1700 Old Eastern Avenue in 1994. In 1993, 197 calls for police assistance were received at the address.
- . Past experience in policing such arcade operations indicate that calls for police service will in all probability, increase if a similar operation is permitted on the property.
- . Open air drug market activity occurs on the property of 1700 Old Eastern Avenue on a consistent basis.

**RECEIVED**

FEB 2 1995


**ZADM**

Arnold Jablon  
Arcade Facility

January 26, 1995  
Page Two

Despite efforts of enforcement at the location, the store front operation close to the major roadway of Old Eastern Avenue, convenient to Mass Transportation, and availability of public pay phones make it an attractive site for narcotic distribution. It is felt an arcade will allow a haven for the violators. Surveillance will be hampered and arrests made more difficult.

It is the opinion of field officers and commanders of the Essex Precinct, an arcade operation would contribute to further community and crime problems. Therefore, we recommend that the applicant's request be denied.

  
\_\_\_\_\_  
Captain James W. Johnson  
Operations Commander  
PC11/Essex Station

dj

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

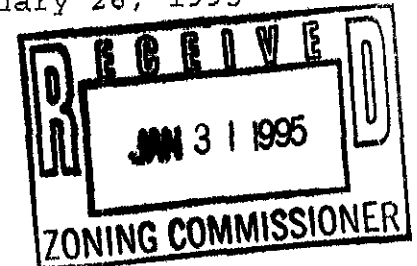
Case  
95-226-5PH  
2/2/95

TO Mr. Arnold Jablon, Director  
Zoning Administration &  
Development Management

DATE January 26, 1995

FROM Police Department

SUBJECT Arcade Facility



It has been brought to my attention that an application has been filed for a special exception to permit an arcade facility to operate on the property of Mr. Hemchand Harry at 1700 Old Eastern Avenue.

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Past experience in policing such arcade operations indicate that calls for police service will in all probability, increase if a similar operation is permitted on the property.

Open air drug market activity occurs on the property of 1700 Old Eastern Avenue on a consistent basis.

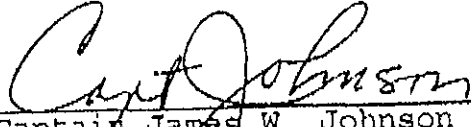
ENCLOSURE

Arnold Jablon  
Arcade Facility

January 26, 1995  
Page Two

Despite efforts of enforcement at the location, the store front operation close to the major roadway of Old Eastern Avenue, convenient to Mass Transportation, and availability of public pay phones make it an attractive site for narcotic distribution. It is felt an arcade will allow a haven for the violators. Surveillance will be hampered and arrests made more difficult.

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\_\_\_\_\_  
Captain James W. Johnson  
Operations Commander  
PC11/Essex Station

dj

**PETITIONER(S) SIGN-IN SHEET**

**ADDRESS**

216 Schilling Creek HV MD

1304 CHESAPEAKE AVE

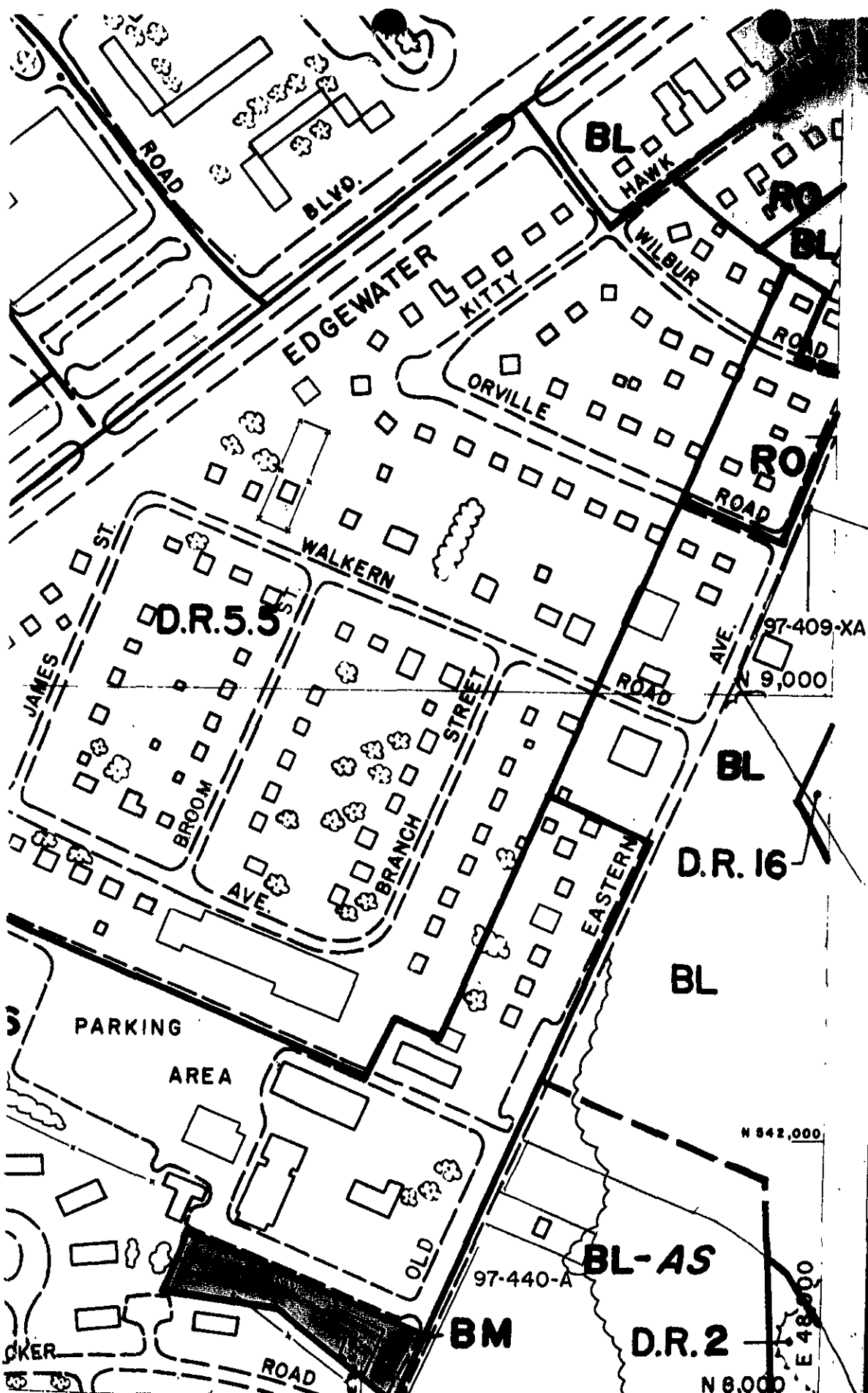
SAME

1700-A Old EASTERN AVE.

523 PENNY LA.

944 BEAVERBANK CRL.

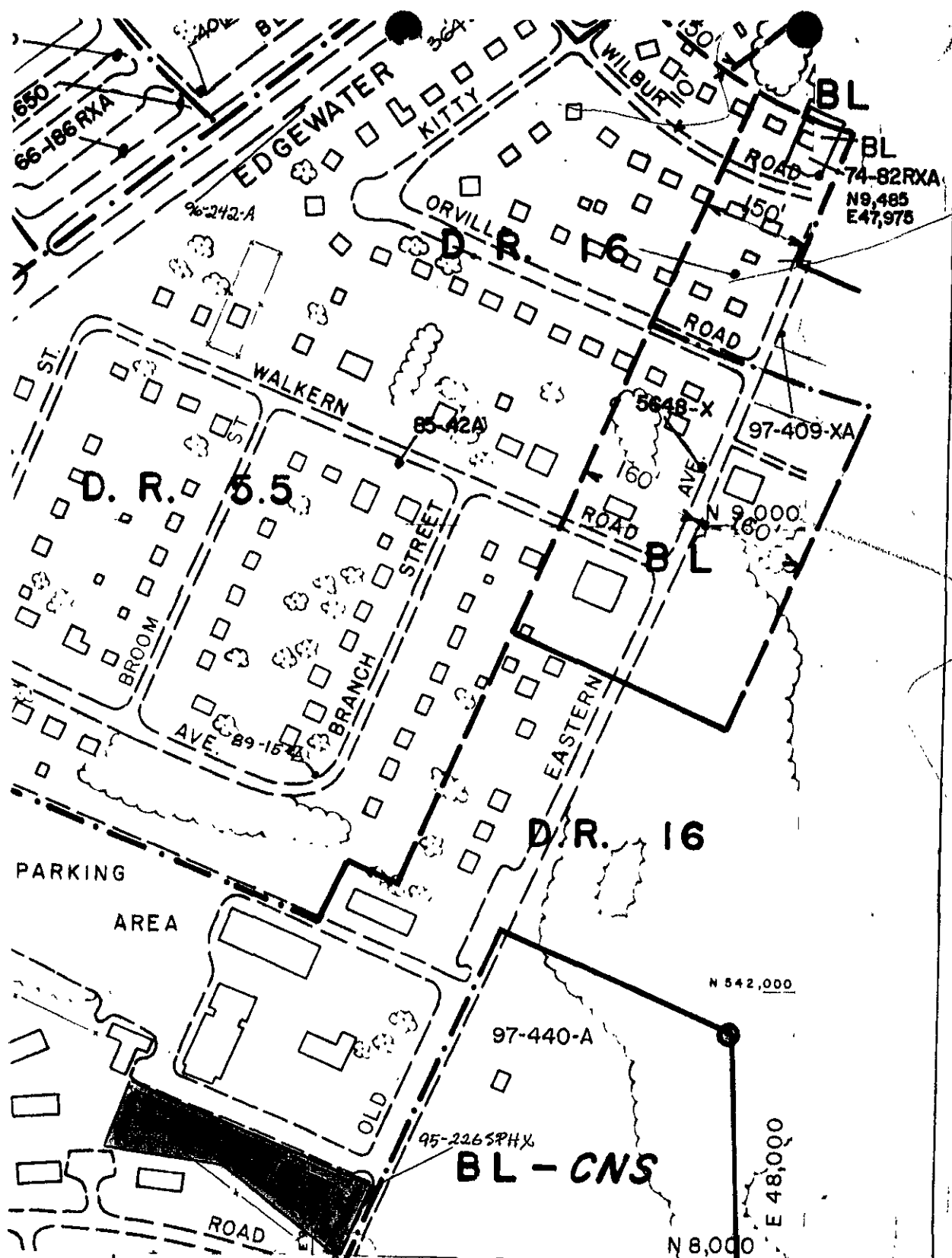
[illegible]



1996  
MAP

DRAWING NO.  
**NE 3**

SCALE LOCATION SHEET  
1" = 200' ±



OF  
GRAPHY  
1954  
METHODS  
MICH

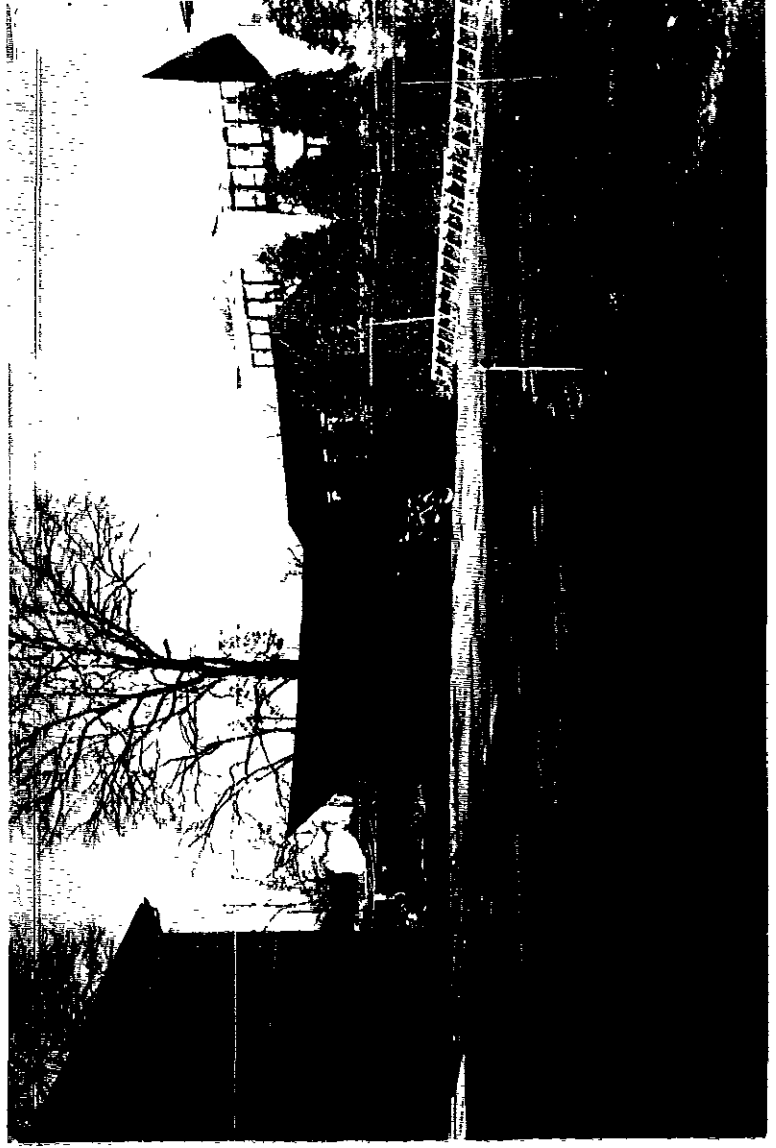
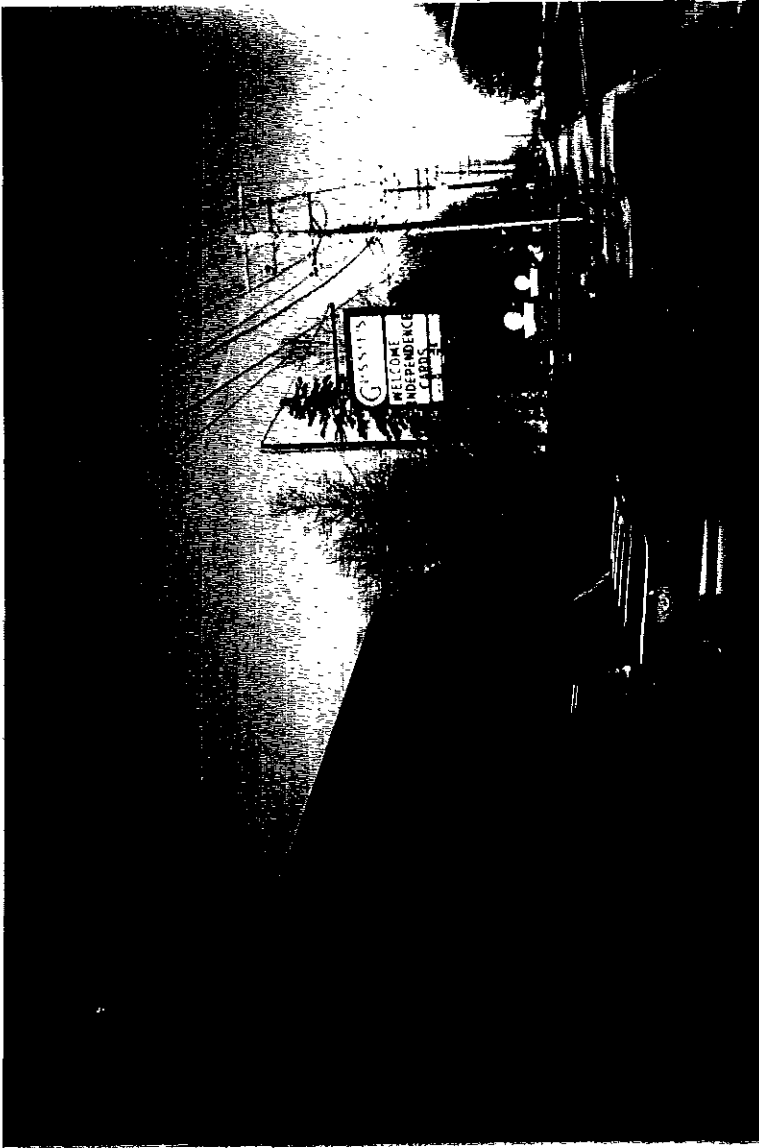
STEMMERS RUN  
AERO ACRES

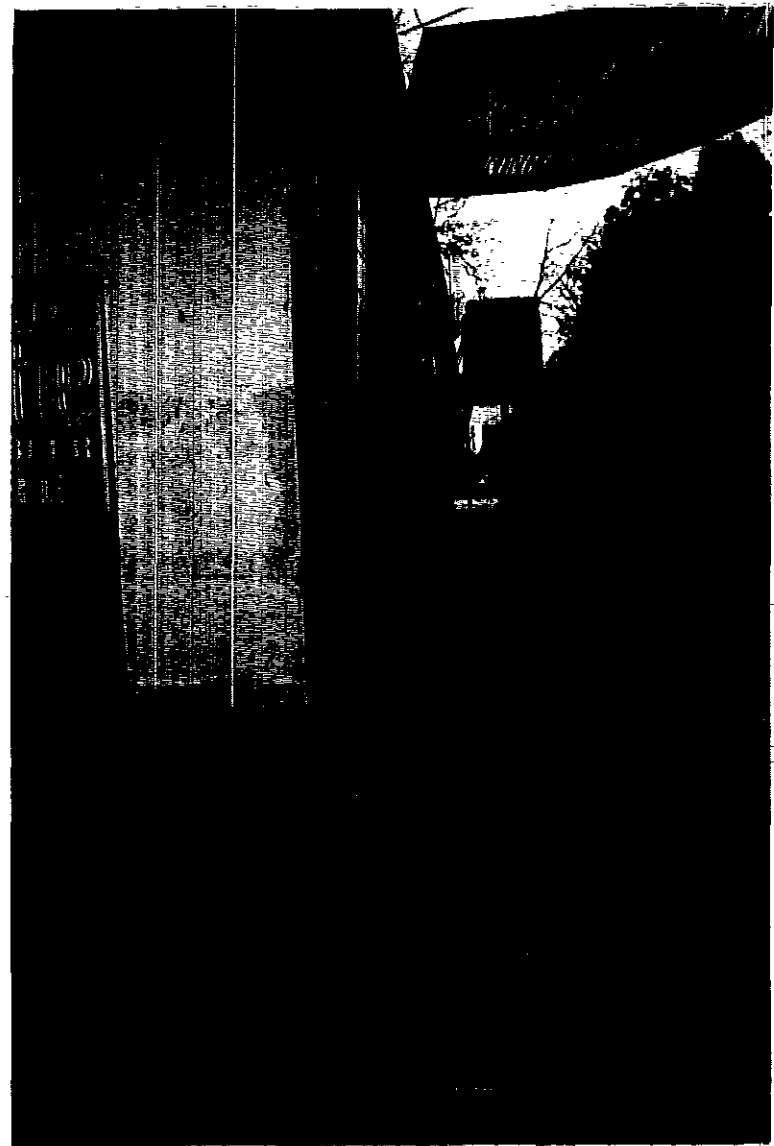
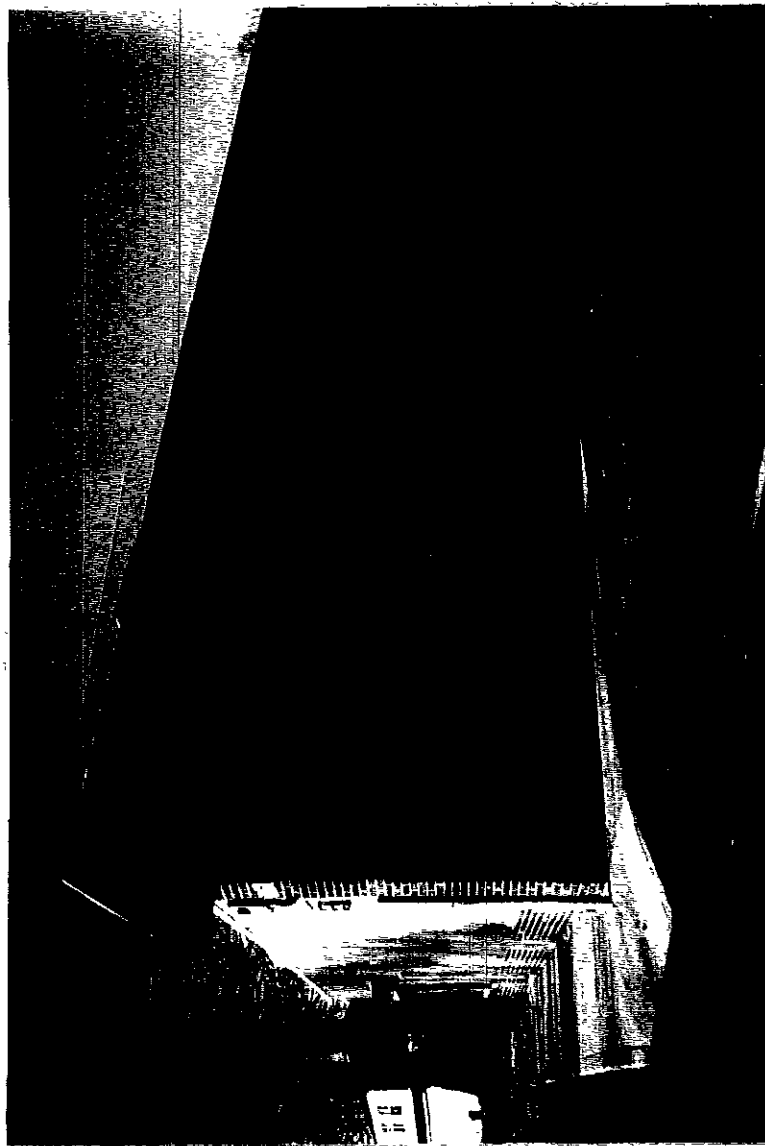
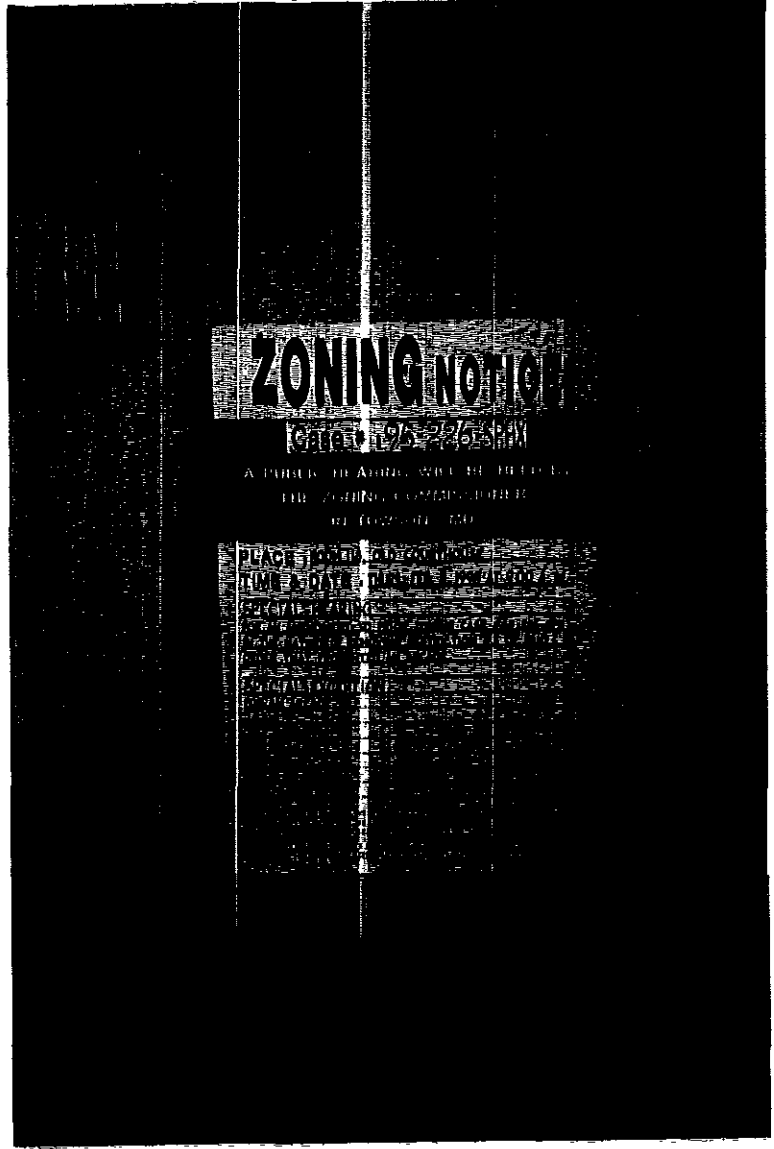
SHEET  
N.E.  
3-H

1971  
MAP

# N.E. 3-H







PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Michael A. Dodge

305 Moonlight Ct

Rev. Joseph T. D. Petri

1704 Old Eastern Ave

Kathleen Sipes

1702 Old Eastern Ave







RE: PETITION FOR SPECIAL HEARING  
W/S of Old Eastern Avenue, 16' N  
of Rickenbacker Road - 15th  
Election District  
Gusella's, Inc. - Petitioner  
Bu. No. 84-226-SPH (Item No. 163)

RESPONSE TO:  
DEPUTY ZONING COMMISSIONER  
BALTIMORE COUNTY

The Petitioner herein, Gusella's, Inc., ~~appears~~ appears the Order of the Zoning Commissioner of Baltimore County dated July 20, 1981, in case 84-212-SPH, in order to allow general shopping center uses rather than specific uses. The subject property is located on the northwest corner of Rickenbacker Road and Old Eastern Avenue.

Site plans were submitted in case 84-212-SPH which case and file is incorporated herein by reference. That petition, heard on July 14, 1981, sought to establish a nonconforming use for a retail shopping center. The Order, however, granted nonconforming status for specific commercial uses.

Testimony indicates that the site has been zoned by a variety of rotating commercial uses which predate the Baltimore County Zoning Regulations (BCZR). The enumeration of specific uses in the July 20, 1981 Order does not accurately reflect the total and sole uses on the property either at the time the BCZR went into effect or since. The Petitioner has requested that, due to community concerns, no sign, bill or arcade use be permitted.

The Deputy Zoning Commissioner authorized the hearing and record in light of Article 10, Baltimore County, 39 Md. App. 287-292-74 which stated:

"...in exercising authority a zoning commission within the scope of a nonconforming use, the commission shall take the following factors into account:

(1) Whether the use is a nonconforming use of the property;

(2) Whether the use is a nonconforming use of the property;

(3) Whether the use is a nonconforming use of the property;

(4) Whether the use is a nonconforming use of the property;

(5) Whether the use is a nonconforming use of the property;

(3) that the current use is a substantially different use than the original use;

and (4) that the current use is a substantially different use than the original use;

and (5) that the current use is a substantially different use than the original use;

and (6) that the current use is a substantially different use than the original use;

1. Adjustment or discontinuance for a period of one year or more shall terminate the nonconforming uses.
2. Damage by fire or other casualty of the improvement to the extent of 75% of its replacement cost at the time of such loss shall terminate the nonconforming uses.
3. No pool hall or arcade use shall be permitted within the existing commercial establishments.
4. A revised site plan, changing Eastern Avenue to Old Eastern Avenue and incorporating the restrictions set forth above, shall be submitted for approval by the Office of Planning and Zoning.

By John B. Gostrom  
Deputy Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
404-3355

ARNOLD JANON  
ZONING COMMISSIONER

February 26, 1984

John B. Gostrom, Esquire  
609 Eastern Boulevard  
Broom, Maryland 21221

Re: Petition for Special Hearing  
W/S Old Eastern Ave., 16' N of Rickenbacker  
Rd. (1700 Old Eastern Avenue)  
Gusella's, Inc. - Petitioner  
Case No. 84-226-SPH

Dear Mr. Gostrom:

This is to advise you that \$47.85 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene Janney, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Janon  
ARNOLD JANON  
Commissioner

February 28, 1984

John B. Gostrom, Esquire  
609 Eastern Boulevard  
Broom, Maryland 21221

NOTICE OF HEARING

Re: Petition for Special Hearing  
W/S Old Eastern Ave., 16' N of Rickenbacker  
Road (1700 Old Eastern Avenue)  
Gusella's, Inc. - Petitioner  
Case No. 84-226-SPH

TIME: 10:45 A.M.

DATE: Tuesday, March 6, 1984

PLACE: Room 105, County Office Building, 1st West Chesapeake  
Avenue, Towson, Maryland

84-226-SPH

84-226-SPH

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84-226-SPH



IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND SPECIAL EXCEPTION - NW/CORNER \* DEPUTY ZONING COMMISSIONER  
Old Eastern Avenue and  
Rickenbacker Road  
(1700 Old Eastern Avenue) \* OF BALTIMORE COUNTY  
15th Election District \* Case No. 95-226-SPHX  
5th Councilmanic District  
Hemchand Harry  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception for that property known as 1700 Old Eastern Avenue, located in the vicinity of Stemmers Run off of Back River Neck Road in Essex. The Petitions were filed by the owner of the property, Hemchand Harry, and the Contract Purchaser/Lessee, James and Charlene Evering, through their attorney, Robert C. Turner, Esquire. The Petitioners seek approval of an amendment to the previously approved site plan in Case No. 84-226-SPH and removal of Restriction No. 3 thereof, and a special exception to permit an arcade in a B.M. zone. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Hemchand Harry, property owner, James and Charlene Evering, Contract Purchaser/Lessee, Patrick O'Keefe, Sr., Zoning Consultant, Lawrence Jones, and Robert C. Turner, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Michael A. Dodge, Rev. Joseph T. DePitres and Kathleen Sipes, Principal with Our Lady of Mt. Carmel Catholic Church and School, adjoining property owner. In addition, Jeffrey Long and Jack Dillon, representatives of the Office of Planning and Zoning, and Captain James Johnson, Operations Commander for the Essex Precinct of the Baltimore County Police Department, appeared in opposition to the relief requested.

more County Police Department, appeared in opposition to the relief requested.

Testimony and evidence offered demonstrated that the subject property consists of 0.63 acres, more or less, zoned B.M. and is improved with three apartment buildings, a combination store/restaurant, known for many years as Gussies, and related parking areas. Adjacent to Gussies is a vacant storefront building in which the Petitioners seek to operate an arcade. Mr. James Evering, the intended operator of the arcade, offered testimony in support thereof. Mr. Evering operates Gussies' restaurant and wishes to expand his present operation into the vacant storefront area. Mr. Evering wishes to install various video games and machines in this area for the purpose of operating an arcade. He testified that the arcade would not be open during school hours, but would operate between the hours of 4:00 PM and 10:00 PM, daily.

It is to be noted that this property was the subject of prior Case No. 84-226-SPH in which the Petitioner was granted approval on March 22, 1984 for a nonconforming use of rotating retail uses conforming to its then B.L. zoning, including three apartment buildings to the rear of the existing commercial establishment, all of which existed prior to the adoption of the Baltimore County Zoning Regulations (B.C.Z.R.). The relief requested was granted, subject to certain terms and conditions, one of which restricted the use of the property as a pool hall or arcade.

Testifying in opposition to the Petitioners' request was Captain James Johnson, Operations Commander for the Essex Precinct of the Baltimore County Police Department. Captain Johnson testified that his office currently receives approximately 4,000 calls per year from the apartment complex located immediately adjacent to the subject property. That apartment

ment complex is known as the Village of Tall Trees wherein there currently exist tremendous problems with drug dealers and prostitutes. Captain Johnson testified that while his Department is making progress in cleaning up this area, he believes an arcade on the subject site would adversely impact the improvements made to date. Therefore, they are very much opposed to the granting of this special exception.

The sentiment of Captain Johnson's testimony was corroborated by other individuals in attendance from both the Office of Planning as well as Our Lady of Mt. Carmel Catholic Church and School, which is the adjoining property owner north of this site. Our Lady of Mt. Carmel is a parochial school for Grades K through 12.

Based upon the testimony and evidence offered as well as my personal knowledge of this property, having been a student at the school and continuing to be familiar with the subject site, I have come to the conclusion that this property is not an appropriate site for an arcade. In my opinion, an arcade at this location would be of no benefit to the surrounding community and would be detrimental in all respects.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a

special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will be detrimental to the health, safety, or general welfare of the locality, and will tend to create congestion in roads, streets, or alleys therein. It will be inconsistent with the purposes of the property's zoning classification, and inconsistent with the spirit and intent of the B.C.Z.R.

Inasmuch as the special exception has been denied, the special hearing to amend the previously approved site plan in Case No. shall also be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the special hearing and special exception should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of March, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 84-226-SPH and to remove Restriction No. 3 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit an arcade in a B.M. zone, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 7, 1995

Robert C. Turner, Esquire  
34 Market Place, Suite 901  
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION  
NW/CORNER Old Eastern Avenue and Rickenbacker Road  
(1700 Old Eastern Avenue)  
15th Election District - 5th Councilmanic District  
Hemchand Harry - Petitioner  
Case No. 95-226-SPHX

Dear Mr. Turner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Rev. Joseph T. DePitres and Kathleen Sipes  
Our Lady of Mt. Carmel Catholic Church and School  
1704 Old Eastern Avenue, Baltimore, Md. 21221

Mr. Michael A. Dodge, 305 Moonlight Court, Baltimore, Md. 21221

Captain James W. Johnson, Operations Commander, Essex Precinct  
Baltimore County Police Department

People's Counsel: P11



## Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at #1700 OLD EASTERN AVENUE which is presently zoned B.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

AN AMENDMENT TO PRIOR ZONING CASE # 84226 SPH  
IN THE NATURE OF REMOVING RESTRICTION # 3  
OF SAID ORDER THAT PROHIBITED AN ARCADE

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

CHARLENE W. EVERING

*Charlene W. Evering*

#1700 OLD EASTERN AVE.

BALTO., MD. 21221

Legal Owner

Hemchand Harry

*Hemchand Harry*

#1700 OLD EASTERN AVE.

BALTO., MD. 21221

Attorney for Petitioner

ROBERT C. TURNER

*Robert C. Turner*

34 MARKET PLACE, SUITE 901

BALTIMORE, MD. 21202

Attorney for Petitioner

ROBERT C. TURNER

*Robert C. Turner*

34 MARKET PLACE, SUITE 901

BALTIMORE, MD. 21202

525 PENNY LA. 21020 666-5366

EXPIRATION DATE OF DECISION

RECEIVED ON

DATE 11-21-95

# 221



## Petition for Special Exception to the Zoning Commissioner of Baltimore County for the property located at #1700 OLD EASTERN AVENUE which is presently zoned B.M.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

AN ARCADE IN A B.M. ZONE

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

CHARLENE W. EVERING

*Charlene W. Evering*

#1700 OLD EASTERN AVENUE

BALTO., MD. 21221

Legal Owner

Hemchand Harry

*Hemchand Harry*

#1700 OLD EASTERN AVENUE

BALTO., MD. 21221

Attorney for Petitioner

ROBERT C. TURNER

*Robert C. Turner*

34 MARKET PLACE, SUITE 901

BALTIMORE, MD. 21202

Attorney for Petitioner

ROBERT C. TURNER

*Robert C. Turner*

34 MARKET PLACE, SUITE 901

BALTIMORE, MD. 21202

525 PENNY LA. 21020 666-5366

EXPIRATION DATE OF DECISION

RECEIVED ON

DATE 12-21-95

# 221

FRANK'S LEE

Registered Professional Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

No. 1700 Old Eastern Avenue  
15th District Baltimore County, Maryland

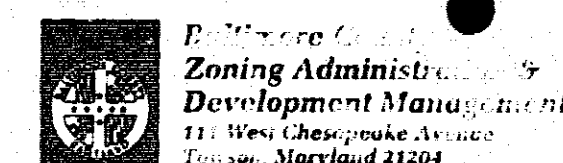
Beginning for the same on the west side of Old Eastern Avenue at a distance of 15.67 feet measured northerly along the west side of Eastern Avenue from the north side of Rickenbacker Road, thence running northerly on the west side of Eastern Avenue North 23 degrees 16 minutes 34 seconds East 111.1 feet, thence leaving Eastern Avenue for a line of division as follows: South 22 degrees 46 minutes 24 seconds East 10.10 feet, South 22 degrees 46 minutes 24 seconds East 99.70 feet, South 22 degrees 23 minutes 20 seconds East 36 feet, South 60 degrees 41 minutes East 16.25 feet, South 23 degrees 23 minutes East 11 feet to the place of beginning.

Containing 0.63 acres of land, more or less.



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 1/14/95  
Posted for: Special Hearing  
Petitioner: Hemchard Harry & Charles W. Evering  
Location of property: 1700 Old Eastern Ave. Towson, Md. 21204  
Location of Sign: 1700 Old Eastern Ave. Towson, Md. 21204  
Remarks: (See Photo)  
Posted by: [Signature] Date of return: 1/20/95  
Number of Signs: 1



# 221  
receipt  
95-226-SPHX  
Account: R-01-6150  
Number: JCM  
Date: 12-21-94  
CHARLENE EVERING  
SPEC. EX. (OS) 380.00  
SPEC. EX. (OS) 250.00  
TOTAL (OS) 35x2 70.00  
620.00

094034014970000  
88 (601) 531-12-21-94  
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

**For newspaper advertising:**

Item No.: 221  
Petitioner: CHARLENE EVERING  
Location: # 1700 OLD EASTERN AVE  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: CHARLENE EVERING % GOSSIES' CARRY OUT  
ADDRESS: #1700 OLD EASTERN AVE.  
BALTO., MD. 21221  
PHONE NUMBER: 335-7760

AJ:ggs

(Revised 04/09/91)

TO: FUTURE PUBLISHING COMPANY  
January 12, 1995 Issue - Jeffersonian

Please forward billing to:

Charlene Evering  
c/o Gossie's Carry Out  
1700 Old Eastern Avenue  
Baltimore, Maryland 21221  
335-7760

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-226-SPHX (Item 221)

1700 Old Eastern Avenue  
NWC Old Eastern Avenue and Richman Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Hemchard Harry

Contract Purchase(s): Charlene W. Evering  
HEARING: THURSDAY, FEBRUARY 2, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing for an amendment to prior zoning case 894-226-SPH in the nature of removing restriction #3 of said order that prohibited an arcade.  
Special Exception for an arcade.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., Jan. 13, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan. 12, 1995

THE JEFFERSONIAN,  
A. Henrichsen  
LEGAL AD. - TOWSON

Applicant  
Dropping-off  
2 more plans.

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-226-SPHX (Item 221)  
1700 Old Eastern Avenue  
NWC Old Eastern Avenue and Richman Road  
15th Election District - 5th Councilmanic  
Legal Owner(s): Hemchard Harry  
Contract Purchase(s): Charlene W. Evering  
HEARING: THURSDAY, FEBRUARY 2, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing for an amendment to prior zoning case 894-226-SPH in the nature of removing restriction #3 of said order that prohibited an arcade.  
Special Exception for an arcade.

LAWRENCE E. SCHMIDT,  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.  
(2) For information concerning the file and/or hearing, please call 887-3391.  
1/15 January 12.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204  
JANUARY 6, 1995

(410) 887-3353

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Special Exception for an arcade.

[Signature]

Arnold Jablon  
Director

cc: Hemchard Harry  
Charlene W. Evering  
Patrick M. Keefe, Sr.  
Robert C. Turner, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 26, 1995

Robert C. Turner, Esquire  
34 Market Place, Suite 801  
Baltimore, Maryland 21202

RE: Item No.: 221  
Case No.: 95-226-SPH  
Petitioner: Hemchard Harry

Dear Mr. Turner:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/18/95

Arnold Jablon  
Director  
Zoning Administration &  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
PHIL STOP-1105

RE: Property Owner: HEMCHARD HARRY

LOCATION: 1700 OLD EASTERN AVE. AND RICHMAN RD. (1700 OLD EASTERN AVE.)

Item No.: 221

Zoning Agenda: SPECIAL HEARING

Contentment:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED  
JAN 19 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 897-4881, MS-1102F

cc: File



Printed with Raytheon Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: January 17, 1995

SUBJECT: 1700 Old Eastern Avenue

**INFORMATION:**

Item Number: 221

Petitioner: Hemchard Harry

Property Size:

Zoning: B.W.

Requested Action: Special Hearing and Special Exception

Hearing Date: 2/2/95

**SUMMARY OF RECOMMENDATIONS:**

The applicant has filed a Special Exception to permit an arcade, and a Special Hearing to remove the restriction prohibiting such a use as forth in Case No. 84-226.

This property is located immediately adjacent to an area that recently has been studied by this office as part of the Essex / Middle River Assessment. Thus far, the study has brought into focus issues which include concerns regarding the existence of incompatible commercial uses in the Essex area, and the need to bring desirable commercial uses to the Essex area. It is envisaged that such uses would cater to a larger segment of the population due to their regional appeal.

Additionally, the assessment highlights the problems associated with incompatible and unattractive, older commercial development along the Eastern / Old Eastern Avenue corridors.

Reviewed in this context, the proposed amendment and Special Exception would not be in keeping with general recommendations of the first phase of the Essex / Middle River Assessment.

Furthermore, it is the opinion of this office that the introduction of an arcade will only exacerbate a number of community problems as identified by the assessment.

1/19/95 11:02 AM / PFK:TMF.

Pg. 1



Therefore, staff recommends that the applicant's request be denied because, if granted, the proposed use would be detrimental to the health, safety and general welfare of the local community, and could tend to further overcrowd the property. In addition, we recommend that prior to any final consideration the Zoning Commission seek or review comments from the Police Department and the Office of Substance Abuse.

Prepared by: Jeffrey M. Long  
Division Chief: Gary L. Kene  
PK/JL

TYW6W271 / 07/04/07 / 00000000

Pg. 2

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration  
and Development Management  
Date: January 9, 1995  
FROM: Robert W. Bowling, Chief  
Developers Engineering Section  
SUBJECT: Zoning Advisory Committee Meeting  
for January 9, 1995  
Item Nos. 218, 219, 220, & 221  
The Developers Engineering Section has reviewed the subject zoning item. There are no comments for subject items.  
RWB:jrb  
cc: File

RWB12



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: +221 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 1/13/95  
DATE: 1/18/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 217  
218  
219  
221 ✓

LS:sp

LETTY2/DEPRM/TXTSBP

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR SPECIAL EXCEPTION  
1700 Old Eastern Avenue, NMC Old Eastern  
Avenue and Rickenbacker Road, 15th  
Election Dist., 5th Councilmanic  
Hemchand Harry  
Petitioner  
CASE NO. 95-226-SPHX

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
Charles S. Denilio  
CAROLE S. DENILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert C. Turner, Esquire, 34 Market Place, Suite 801, Baltimore, MD 21202, attorney for Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

JAN 27 '95 11:58AM B CO OFF OF SUBSTANCE ABUSE

P.2

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration & Development Management  
FROM: Michael M. Gimbel, Director  
Office of Substance Abuse  
DATE: January 27, 1995  
SUBJ: 1700 Old Eastern Avenue

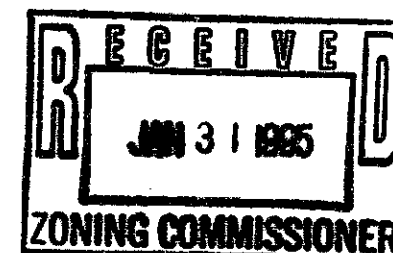
The Office of Substance Abuse has reviewed the application submitted by Hemchand Harry for a special exemption to permit the opening of an arcade at 1700 Old Eastern Avenue.

It is the opinion of the Office of Substance Abuse that we agree with the concern of the Office of Planning and Zoning in regards to the potential impact to the community. We feel that the applicants request be denied because of the potential impact on the health, safety, and general welfare of the entire local community.

In addition, the Office of Substance Abuse feels that this arcade could increase the potential for substance abuse in the community.

If we may be of any further assistance, please feel free to call me at 687-3828.

MNG:nk



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration & Development Management  
FROM: Police Department  
SUBJECT: Arcade Facility  
DATE January 26, 1995

It has been brought to my attention that an application has been filed for a special exception to permit an arcade facility to operate on the property of Mr. Hemchand Harry at 1700 Old Eastern Avenue.

The Baltimore County Police Department is opposed to allowing this exception for the following:

The affordable housing complex adjacent to the proposed arcade has been the sight of extensive crime and community problems over the past several years. Various county agencies, public organizations and individuals have worked diligently to address the problems in the community.

\* Approximately 4,000 calls are received per year in the complex.

\* Approximately 200 arrests for narcotic violations alone were made in the complex adjacent to the proposed arcade site.

\* 150 calls were received for 1700 Old Eastern Avenue in 1994. In 1993, 197 calls for police assistance were received at the address.

Past experience in policing such arcade operations indicate that calls for police service will in all probability, increase if a similar operation is permitted on the property.

Open air drug market activity occurs on the property of 1700 Old Eastern Avenue on a consistent basis.



ZADM

Arnold Jablon  
Arcade Facility

January 26, 1995  
Page Two

Despite efforts of enforcement at the location, the store front operation close to the major roadway of Old Eastern Avenue, convenient to Mass Transportation, and availability of public pay phones make it an attractive site for narcotic distribution. It is felt an arcade will allow a haven for the violators. Surveillance will be hampered and arrests made more difficult.

It is the opinion of field officers and commanders of the Essex Precinct, an arcade operation would contribute to further community and crime problems. Therefore, we recommend that the applicant's request be denied.

Capt. Johnson  
Captain James W. Johnson  
Operations Commander  
PC11/Essex Station

dj







84-226-SPH

February 1984

John B. Chastrom, Esquire  
Baltimore Building  
Baltimore, Maryland 21201

NOTICE OF HEARING

For the Baltimore Building  
1700 Old Eastern Avenue  
Baltimore, Maryland 21201  
Case No. 84-226-SPH

DATE: January 24, 1984

PLACE: Room 100, County Office Building, 111 County Office Building

APPLICANT: James S. Chastrom, Esquire

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MANOR CO.  
OFFICE OF KENNETH G. ZONING  
1000 N. JEFFERSON AVE.  
BALTIMORE, MARYLAND 21204

February 28, 1984

John B. Chastrom, Esquire  
Baltimore Building  
Baltimore, Maryland 21201

For the Baltimore Building  
1700 Old Eastern Avenue  
Baltimore, Maryland 21201  
Case No. 84-226-SPH

DATE: January 24, 1984

PLACE: Room 100, County Office Building, 111 County Office Building

APPLICANT: James S. Chastrom, Esquire

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John B. Chastrom, Esquire  
Baltimore Building  
Baltimore, Maryland 21201

For the Baltimore Building  
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